

DEPARTMENT OF INFRASTRUCTURE

TOWN AND COUNTRY PLANNING ACT 1999 TOWN AND COUNTRY (DEVELOPMENT PROCEDURE) ORDER 2005

Agenda for a meeting of the Planning Committee, 17th March 2014, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

1. Introduction by the Chairman

2. Apologies for absence

3. Minutes

To give consideration to the minutes of a meeting of the Planning Committee held on the 24th February 2014.

4. Any matters arising

5. Delegated Decisions

To note the decisions on those applications determined by the Director of Planning and Building Control, Development Control Manager or the Senior Planning Officers by the authority delegated to them by the Department under the appropriate legislation, for the period 18th February to 10th March 2014.
Schedule attached as Appendix One

6. To consider and determine Planning Applications

Schedule attached as Appendix Two.

Please note that the location plans included as part of Appendix Two of this Agenda are purely indicative and do not necessarily represent the application sites.

7. Appeal Decisions

To raise any appeal decisions issued between the period 18th February to 18th March 2014.

8. Site Visits

To agree dates for site visits if necessary.

9. Any other business

10. Next meeting of the Planning Committee

Set for 31st March 2014.

Decisions issued under delegated authority 18/2/14 - 10/3/14

Appendix One

PA No	Applicant	Proposal	Property Address	Decision	Date decision issued
14/00026/D	C I News Ltd	Erection of illuminated signage	Spar Main Road Colby Isle Of Man IM9 4LR	PER	20/02/2014
14/00011/B	Mr & Mrs Malcolm Wilson	Erection of a single storey dwelling with integral garage	Land To Rear Of Point House Marine Terrace Port St. Mary Isle Of Man	PER	20/02/2014
14/00072/B	Greeba Plant Centre Ltd	Erection of a replacement storage/potting shed /sales building	Greeba Plant Centre Norfolk Nurseries Main Road Greeba Isle Of Man IM4 3LF	PER	28/02/2014
13/91498/B	Peter Clarke	Installation of replacement and additional windows and doors, enlargement of rear dormer, erection of rear external staircase and creation of rear parking space	118 Woodbourne Road Douglas Isle Of Man IM2 3BA	PER	28/02/2014
13/91414/B	Mr Eisdon Watson	Erection of a first floor extension to dwelling	7 Stevenson Way Douglas Isle Of Man IM2 2EL	PER	03/03/2014
14/00088/B	Mrs Barbara Davenport	Replacement of existing conservatory roof with light weight roof tiles	Ballakelly Glen Vine Road Glen Vine Isle Of Man IM4 4HQ	PER	03/03/2014
13/00905/GB	Cain House Ltd	Refurbishment works and installation of a replacement window (In association with 13/00906/CON)	Compton House 9 Castle Street Castletown Isle Of Man IM9 1LF	PER	21/02/2014
13/00906/CON	Cain House Ltd	Registered Building consent for refurbishment works and installation of a replacement window (In association with 13/00905/GB) Registered Buildings Nos. 65	Compton House 9 Castle Street Castletown Isle Of Man IM9 1LF	PER	21/02/2014
14/00070/B	Mr Jonathan Barrow	Conversion from retail use to a cafe	31 Duke Street Douglas Isle Of Man IM1 2AZ	PER	28/02/2014
14/00071/B	Mrs Geraldine Kingston	Replacement of existing glazed conservatory roof with slate / tiles	Ballaaveare Farm Old Castletown Road Port Soderick Isle Of Man IM4 1BB	PER	28/02/2014

<i>PA No</i>	<i>Applicant</i>	<i>Proposal</i>	<i>Property Address</i>	<i>Decision</i>	<i>Date decision issued</i>
14/00027/B	Department Of Environment, Food & Agriculture	Construction of fishing platform and access ramp	Cringle Reservoir Corlea Road Ballasalla Isle Of Man	PER	20/02/2014
14/00102/B	Miss Jane Susan Knowles	Re-roofing of dwelling and installation of roof light	7 Malvern Road Douglas Isle Of Man IM2 5AS	PER	06/03/2014
13/91420/C	Mr William Rand	Change of use from office to retail	8 Auckland Terrace Parliament Street Ramsey Isle Of Man IM6 1AF	PER	28/02/2014
14/00037/B	Mr Russell Plant & Miss Jennifer Cannell	Alterations and extension to dwelling	Skerrisdale Stockfield Road Kirk Michael Isle Of Man IM6 1HP	PER	20/02/2014
14/00060/B	Mr William Myrea	Erection of extension to existing agricultural building	Ballacaine Farm Ballavarran Road Jurby Isle Of Man IM7 3AW	PER	20/02/2014
14/00012/C	Elizabeth Anne Kelly	Additional use of existing dwelling as tourist accommodation	Baijean Dandy Hill Port Erin Isle Of Man IM9 6HN	PER	20/02/2014
13/91507/B	Mr Sean Gray	Erection of an extension to provide a garage to dwelling	Lieh Acyr Port E Vullen Ramsey Isle Of Man IM7 1AN	PER	20/02/2014
13/91510/B	Mrs Pam Costain	Alterations, erection of a replacement extension, and demolition of chimney	South Lodge The Level Colby Isle Of Man IM9 4AF	PER	27/02/2014
13/91512/B	Mr Richard & Mrs Hazel Ebbutt	Erection of a replacement detached garage with first floor tourist living accommodation above with associated parking	Lowfield Stoney Road Laxey Isle Of Man IM4 7NQ	PER	28/02/2014
14/00121/B	Mrs Julie Margaret Hughes	Alterations and erection of extension to provide a garage and additional living accommodation	10 Viking Hill Ballakillowey Colby Isle Of Man IM9 4BJ	PER	03/03/2014
14/00123/B	Mr David Ireland	Erection of an extension to rear elevation	1 Furman Road Onchan Isle Of Man IM3 1BS	PER	06/03/2014
14/00094/B	Mrs Nancy Thomas	Erection of a single storey extension to replace existing, to rear elevation	Crofton Crossag Road Ballasalla Isle Of Man IM9 3DX	PER	03/03/2014

<i>PA No</i>	<i>Applicant</i>	<i>Proposal</i>	<i>Property Address</i>	<i>Decision</i>	<i>Date decision issued</i>
14/00016/B	Mr Keith Edwin Craine	Installation of replacement windows and doors to dwelling	Brookside Main Road Kirk Michael Isle Of Man IM6 1ED	PER	20/02/2014
14/00061/D	Miss Louise Elizabeth Bawden	Erection of signage	Little Acre Quarterbridge Road Douglas Isle Of Man IM2 3RH	PER	20/02/2014
14/00063/C	Mr Andrew Dyson	Change of use of function room to a golf shop and teaching room	Ramsey Golf Club House Brookfield Avenue Ramsey Isle Of Man IM8 2AH	PER	28/02/2014
14/00065/A	Mr Andrew Brian Byers	Approval in principle for the erection of a dwelling	Land Adjacent To Rydal Mount Main Road Baldrine Isle Of Man IM4 6AE	REF	20/02/2014
13/91447/B	Paul Richards	Replace existing flat roof to garage with a pitched roof	Highfield Bibaloe Beg Road Onchan Isle Of Man IM4 5AD	PER	20/02/2014
14/00073/B	Mr Howard Callow & Mrs Mary Callow	Replacement of existing glazed conservatory roof with tiles	10 Ashfield Avenue Union Mills Isle Of Man IM4 4LN	PER	28/02/2014
14/00050/B	Miss Jing Wen	Installation of replacement windows	Belsfield Hotel 3 Church Road Marina Douglas Isle Of Man IM1 2HQ	PER	20/02/2014
14/00087/B	Mr & Mrs Warren Rainey	Erection of sun room extension to rear elevation (amendment to PA 13/91282/B)	25 Erin Way Port Erin Isle Of Man IM9 6EF	PER	03/03/2014
14/00052/D	Cotton Traders	Erection of illuminated advertising signage	74 Strand Street Douglas Isle Of Man IM1 2EW	PER	20/02/2014
13/91405/B	Mr & Mrs Guy Wiltcher	Alterations, erection of extensions and conversion of outbuilding to provide additional living accommodation	Grangee Ballamanagh Road Sulby Isle Of Man IM7 2HB	PER	03/03/2014
13/91384/B	Manx Rare Breeds Limited	Creation of a track	Fields 430864, 430393, 430818 & 430819 Glenmoat Corlea Road Ballasalla Isle Of Man	PER	20/02/2014
13/91396/B	Mr & Mrs Guy Wiltcher	Erection of an agricultural building	Grangee Farm Ballamanagh Road Sulby Isle Of Man IM7 2HB	REF	20/02/2014

<i>PA No</i>	<i>Applicant</i>	<i>Proposal</i>	<i>Property Address</i>	<i>Decision</i>	<i>Date decision issued</i>
14/00056/B	Mr Andrew Karl Brew	Replace existing glazed conservatory roof with roof tiles	Hendre Clenagh Road Sulby Isle Of Man IM7 3AB	PER	28/02/2014
14/00059/B	Mr & Mrs Kevin Andrew Minay	Installation of fencing to dwelling	Hollin Bank 39 Hollin Bank Braddan Douglas Isle Of Man IM4 4TT	REF	20/02/2014
13/91259/B	Mr Alan & Mrs Pamela Cairnie	Window and door alterations and creation of a dormer extension to dwelling	Cornely Woodlands Avenue Douglas Isle Of Man IM2 3QS	PER	20/02/2014
13/91249/B	Mr & Mrs Joseph Richard Jean - Baptiste Parys	Demolition of existing building and erection of an office with workshop above and widening of existing vehicular access and carriage crossing	Workshop / Store Building To Rear Of Strang House Strang Hill Strang Douglas Isle Of Man IM4 4NX	PER	20/02/2014
14/00082/B	Mr Michael Shimmmin	Installation of replacement conservatory roof and regularisation of amendments to PA 11/00230/B	The Old Mill Lower Foxdale Isle Of Man IM4 3AZ	PER	03/03/2014
14/00083/B	Mr Henry Coole	Installation of an additional window to south elevation	Shidda Athol Avenue Port Erin Isle Of Man IM9 6EY	PER	03/03/2014
14/00035/B	Mrs Barbara McNicholl	Erection of a sun lounge extension to rear elevation and re-location of oil tank	Melrose 29 Sartfell Road Douglas Isle Of Man IM2 3NB	PER	20/02/2014
13/91330/B	Mr Stuart & Mrs Janet Jukes	Alterations and erection of ground floor extension to dwelling	16 Cool Breyk Ramsey Isle Of Man IM8 3HJ	PER	28/02/2014
14/00048/C	Mrs Sue King	Change of use from tourist accommodation to a residential dwelling	Hilltop Croit E Quill Road Laxey Isle Of Man IM4 7JQ	PER	20/02/2014
14/00049/B	Peter Kenneth Dainton	Removal of existing chimney stacks and erection of replacement stack with flue	Ard Finwork Ramsey Road Laxey Isle Of Man IM4 7PY	PER	20/02/2014
14/00098/B	Hestons	Conversion from offices / retail to a hot / cold food takeaway	16 Victoria Street Douglas Isle Of Man IM1 2LQ	PER	06/03/2014
14/00018/B	Richard Roy Symes Niven	Erection of a replacement dwelling	Highcliffe East Baldwin Isle Of Man IM4 5EP	PER	20/02/2014

<i>PA No</i>	<i>Applicant</i>	<i>Proposal</i>	<i>Property Address</i>	<i>Decision</i>	<i>Date decision issued</i>
13/91516/B	Douglas Technical Ltd	Alterations, erection of an in-fill extension to rear with roof terrace and installation of replacement windows and doors	22 - 24 Ridgeway Street Douglas Isle Of Man IM1 1EL	PER	03/03/2014
14/00054/B	Mr Alan Kermode	Repair and alterations to existing barn	Barrn Adjacent To Field 134413 Churchtown Ramsey Isle Of Man	PER	20/02/2014
13/91443/B	Department Of Social Care (Housing Division)	Erection of eight terraced dwellings, parking provision, landscaping and a children's playground	Area Of Land Adjacent To Malew Football Club, Crossag Close And Kinnish Terrace Ballasalla Isle Of Man	PER	28/02/2014
13/91440/C	Mr Andrew Malone	Additional use of premises to combined use as car sales and car servicing workshop	The Showroom Demesne Road Douglas Isle Of Man IM1 3DZ	PER	18/02/2014
14/00044/B	Mr Rory & Mrs Maxine Farren	Erection of a sun lounge extension to replace existing conservatory and verandah to rear elevation and alterations to driveway and vehicular access (amendment to PA 12/00229/B)	Inglewood Little Switzerland Douglas Isle Of Man IM2 6AG	PER	20/02/2014
13/91305/B	Mr Richard Best	Conversion of existing chip shop/restaurant to an apartment	The Shop 1 High Street Port St. Mary Isle Of Man IM9 5DP	PER	03/03/2014
13/91433/B	Mr Stephen Cretney & Ms Niomi Finch	Erection of sun lounge extension to replace existing conservatory and raised decking to rear garden	3 Lower Cronk Orry Minorca Hill Laxey Isle Of Man IM4 7EG	PER	20/02/2014
13/91185/B	Mr Arthur Forgie	Installation of replacement windows and door to front elevation	1 West Quay Ramsey Isle Of Man IM8 1DW	PER	03/03/2014
13/01521/D	Manx Transport Heritage Museum	Erection of signage	Manx Transport Museum Mill Road Peel Isle Of Man IM5 1TB	PER	28/02/2014
14/00077/B	John Alan Scott Quilliam	Installation of electronic entrance gates	Brough Fort Moaney Road Santon Isle Of Man IM4 1HY	PER	28/02/2014

**PLANNING COMMITTEE Meeting, 17th March 2014
Schedule of planning applications**

<p>Item 1 Vacant Land At Bradda View Ballakillowey Colby Isle Of Man</p> <p>PA13/91367/B Recommendation : Approve subject to Legal Agreement</p>	<p>Erection of twelve detached dwellings with associated garages and associated infrastructure</p>
<p>Item 2 6 -26 Arbory Street Callow's Yard Castletown Isle Of Man IM9 1LJ</p> <p>PA14/00007/B Recommendation : Refused</p>	<p>Alterations and change of use of existing residential/commercial premises to provide additional residential accommodation</p>
<p>Item 3 Callows Yard 9 - 11 & 17 - 19 Malew Street And Fusion Bar Occupying First, Second & Third Floor Unit Located Behind 17 - 19 Malew Street Castletown Isle Of Man</p> <p>PA14/00148/B Recommendation : Refused</p>	<p>Alterations to provide ten apartments and domestic storage rooms</p>
<p>Item 4 Ard Na Mara Quines Hill Port Soderick Isle Of Man IM4 1BA</p> <p>PA13/91528/B Recommendation : Refused</p>	<p>Erection of four tourist units with ancillary laundry facilities (retrospective) including part demolition and alterations of adjoining building to provide private garaging</p>
<p>Item 5 Fields 311826, 311827 And 314444 Between Poortown Road & QE2 High School East Of Reayrt Ny Cronk Peel Isle Of Man</p> <p>PA13/91289/B Recommendation : Approve subject to Legal Agreement</p>	<p>Residential development of 144 dwellings with associated highway and drainage works, public open space and landscaping</p>
<p>Item 6 Former Gas Works Site North Shore Road Ramsey Isle Of Man IM8 3DF</p> <p>PA13/91461/B Recommendation : Approve subject to Legal Agreement</p>	<p>Demolition of redundant gas works structures and erection of thirty dwellings with associated roads and parking and re- cladding of existing commercial building</p>
<p>Item 7 Field 434157 & 434158 Foxdale Road Ballasalla Isle Of Man</p> <p>PA13/91539/B Recommendation : Permitted</p>	<p>Creation of a car parking area with vehicular access, for the Silverdale Complex</p>

<p>Item 8 Part Field No 324024 Braaid Road Braaid Isle Of Man</p> <p>PA13/00925/A Recommendation : Permitted</p>	<p>Approval in principle for erection of an agricultural worker's dwelling</p>
<p>Item 9 Bus Parking Area Port Erin Railway Station And Bus Depot Port Erin Isle Of Man</p> <p>PA13/91467/B Recommendation : Permitted</p>	<p>Erection of a temporary cabin to house electronic equipment</p>
<p>Item 10 Ballacaroon Farm West Baldwin Road Mount Rule Isle Of Man IM4 4HS</p> <p>PA14/00064/B Recommendation : Permitted</p>	<p>Erection of replacement dwelling (comprising amendments to PA 13/00125/B)</p>
<p>Item 11 Land Between And Adjacent To Seafield Garage And Haven Court Fort Island Road Derbyhaven Isle Of Man</p> <p>PA13/00503/B Recommendation : Refused</p>	<p>Demolition of existing garage and erection of a new dwelling with integral garage and new entrance gates</p>
<p>Item 12 Corvalley Howe Road Port St. Mary Isle Of Man IM9 5PR</p> <p>PA13/91480/REM Recommendation : Permitted</p>	<p>Reserved Matters application for the demolition of existing farmhouse with attached outbuilding and erection of a replacement dwelling</p>
<p>Item 13 Colby AFC Football Ground Main Road Colby Isle Of Man IM9 4LR</p> <p>PA14/00036/C Recommendation : Permitted</p>	<p>Temporary use of south east pitch and club facilities as a camp site for the practice and race periods of the TT and Isle of Man Festival of Motorcycling Events</p>
<p>Item 14 Meadowfield House Croit E Caley Colby Isle Of Man IM9 4AW</p> <p>PA14/00057/B Recommendation : Refused</p>	<p>Alterations and extensions to dwelling</p>
<p>Item 15 Field 434794 Bayview Farm Ballamodha Straight Ballamodha Ballasalla Isle Of Man</p> <p>PA14/00117/B Recommendation : Permitted</p>	<p>Erection of two 5kw wind turbines</p>



Department of Infrastructure

Isle of Man Planning and Building Control Division



infrastructure
bun troggalys

Date	07 March 2014
Comments	13/91367/B Ballakillowey



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Department of Infrastructure

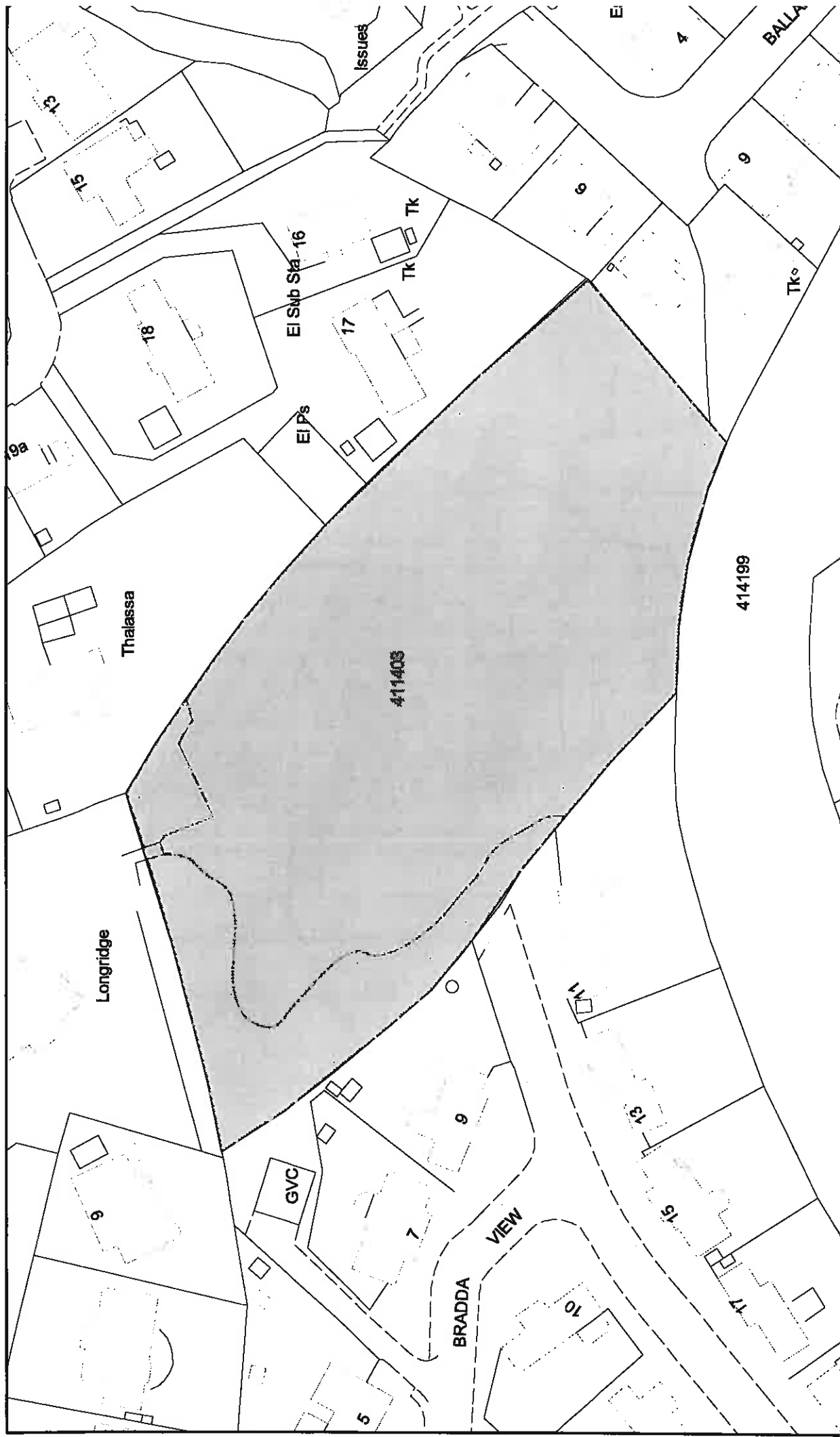


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Isle of Man
Government
Planning and Building Control Division

Date 07 March 2014

Comments 13/91367/B Ballakilowey



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Item 1

Proposal : Erection of twelve detached dwellings with associated garages and associated infrastructure

Site Address : Vacant Land At
Bradda View
Ballakillowey
Colby
Isle Of Man

Applicant : Hartford Homes Ltd

Application No. : 13/91367/B

Case Officer : Miss S E Corlett

RECOMMENDATION: To DEFER consideration pending a legal agreement

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THERE IS A REQUIREMENT FOR A LEGAL AGREEMENT FOR THE PROVISION OF AFFORDABLE HOUSING AND PUBLIC OPEN SPACE

THE SITE

1.1 The site is an area of a hectare (2.5 acres) which lies at the eastern end of Bradda View within the housing development known as Ballakillowey which lies to the east of the A36 Sloc Road. The land slopes downward by around 10.5m over 150m. The site has around it existing residential development in varying densities: to the west is Bradda View, a development of single and two storey detached dwellings of a similar style at a density of approximately 3.3 dwellings per acre. To the north and east of the site are bungalows of very varying density and size. To the south east of the site is a cul de sac known as Ballakeyll - a group of twelve properties which are single storey, split level and part two storey detached dwellings. Ballakeyll rises up from the Main A7 highway towards the site. Numbers 7 and 8 which back onto the site are largely two storey dwellings. To the south of the site is the curtilage of Greenacres, a large house set in substantial wooded grounds.

1.2 There are trees and shrubs around the perimeter of the site. A watercourse runs down the western edge of the site.

THE PROPOSAL

2.1 Proposed is a residential development of twelve houses. They are all detached and take the form of four different house types, each a different size but with common detailing and finishes. There is to be a four bedroom dwelling, the Cambridge, with projecting half cedar clad front annex and first floor canopy above the front door and front living room window. There is a slightly larger version, the Oakwood which has two projecting front gables and an attached lean to garage again with half cedar clad finish to one of the projecting gables. The Limewood has a double integral garage with accommodation above, a choice of stone or render finish on the two projecting front gables and cedar cladding around the dormer window above the garage. Finally, the Yately is a five bedroomed dwelling built in an L shape with cedar cladding on the inward facing projecting gable and the most significant amount of glazing in the rear elevation and a distinctive flat roofed dormer above the garage. The finishes are designed to be low maintenance and highly energy efficient.

2.2 Each property has a driveway which is at least 6m long and 5.8m wide in addition to any garaging provided within or alongside the dwelling.

2.3 A pumping station is proposed in the southern part of the site. Plots 5, 6, 7 and 8 will be provided with soakaways in the rear garden and plots 9, 10 and 11 will have overflow

soakaways in the rear garden. A new foul sewer will be introduced to connect into the existing system in Bradda View: plots 1 and 2 connecting by gravity into the feed into the existing system into which the pumped rising main joins, accommodating the effluent from the remaining dwellings which will be channelled into the pump station then pumped back uphill to join the link with the existing system. A new surface water sewer built, again connecting into the existing system in Bradda View.

2.4 Access will be directly from Bradda View, over a new road under which the culverted ditch will pass. The estate road will take the form of a 6m wide block paviour carriageway without footways.

2.5 Some trees will be removed to accommodate the development, largely to the side of the proposed dwelling on plot 1 and to the rear of plot 2. A new tree will be introduced in the front of each garden (red Maple, Birch, Cherry and Whitebeam) and a conifer at the entrance alongside the dwelling on plot 1. Specimen planting of shrubs will be introduced in borders around the dwellings and griselinia, hawthorn, beech, honeysuckle, rose and gorse introduced to reinforce existing hedgerows.

2.6 Sectional drawings have been submitted to illustrate the relationship between the development at the south eastern end of the site, and numbers 7 and 8, Ballakeyll. The dwelling on plot 8 is positioned to the north of the two existing alder trees, leaving over 30m between the rear of the property and the rear of 8, Ballakeyll. The property on plot 9 is positioned further to the south and will be around 38m from the gable of 7, Ballakeyll. These relationships are important as the Ballakeyll properties sit lower than the application site by around 3m.

2.7 The application includes a tree protection plan which shows how the trees which are within the site will be protected from damage during construction. This generally at least commensurate with the canopy spread of most of the trees which are to be retained with the exception of the two alders where the fence will be erected within 700mm of the canopy spread.

2.8 The scheme also involves the undergrounding of a section of overhead section of high tension electricity lines which run through the site.

2.9 The applicant does not intend to make any of the proposed dwellings in the development available as affordable units. This is due to the need to design an estate which is sympathetic to its context, in which smaller, denser affordable units would not be appropriate. As such, they intend to make the requisite three units available in another site - Cronk Cullyn within Colby - where the size and context of the site could satisfactorily accommodate affordable housing. The application for the development of this land has yet to be determined (13/91392/B).

2.10 There is no provision within the application for Public Open Space. The amount of space which would be required is just over 500 sq m. (children's play and amenity space) - around the size of one of the rear gardens of the proposed properties. There is no public open space within the Ballakillowey estate. This is also proposed to be provided as part of the Cronk Cullyn development in Colby.

2.11 The application also includes a bat survey undertaken

PLANNING STATUS AND POLICY

3.1 The site lies within an area of Proposed Residential on the Area Plan for the South of 2013. The site is subject to a development brief which states the following:

"1. Development proposals must demonstrate there is a mix of dwelling types.

2. A design statement must be included with any application to demonstrate that the size, orientation and proximity of the new dwellings, would not detract from the residential environment and amenity of existing neighbouring dwellings to an unacceptable extent.

3. The trees to the south of the site are Registered and are a known bat foraging area. Any further application on this site must be accompanied by:

- a. the findings of a Bat Survey undertaken at a suitable time of year, and
- b. an accurate Tree Survey which includes;

- i. identification of all of the trees within and bordering the site and their canopy spreads,
- ii. details of the health and characteristics of those trees, and
- iii. details of how the trees are to be protected against damage during and after the course of construction.

4. Any scheme must demonstrate that there are adequate drainage arrangements (particularly in respect of surface water) proposed for the site. The advice of the Isle of Man Water and Sewerage Authority should be sought in this respect.

5. The provision of a pedestrian/cycling link to Odin's Way or Carrick Bay View should be considered as part of this development."

3.2 Also, the provisions of the Strategic Plan are applicable as follows:

i) Strategic Policy 1 which states: "Development should make the best use of resources by: a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings and re-using scarce, indigenous building materials; b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space and amenity standards and c) being located so as to utilise existing and planned infrastructure, facilities and services".

ii) Strategic Policy 2: "New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages. Development will be permitted in the countryside only in the exceptional circumstances identified in paragraph 6.3".

iii) Strategic Policy 5: "New development including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases, the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies."

iv) Spatial Policy 5: "New development will be located within the defined settlements. Development will only be permitted in the countryside in accordance with General Policy 3."

v) General Policy 2 states: "Development which is in accordance with the land use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- a) is in accordance with the design brief in the Area Plan where there is such a brief;
- b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the space around them;
- c) does not affect adversely the character of the surrounding landscape or townscape;
- d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- g) does not affect adversely the amenity of local residents or the character of the locality;

- h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- i) does not have an adverse effect on road safety or traffic flows on the local highways;
- j) can be provided with all necessary services;
- k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- n) is designed having due regard to best practice in reducing energy consumption."

vi) Environment Policy 7: "Development which would cause demonstrable harm to a watercourse, wetland, pond or dub, and which would not be overcome by mitigation measures will not be permitted. Where development is proposed which would affect a watercourse, planning applications must comply with the following criteria:

- a) all watercourses in the vicinity of the site must be identified on plans accompanying a planning application and include an adequate risk assessment to demonstrate that works will not cause long term deterioration in water quality;
- b) details of pollution and alleviation measures must be submitted;
- c) all engineering works proposed must be phased in an appropriate manner in order to avoid a reduction in water quality in any adjacent watercourse; and
- d) development will not normally be allowed within 8 metres of any watercourse in order to protect the aquatic and bankside habitats and species."

vii) Housing Policy 5: "In granting planning permission on land zoned for residential development or in predominantly residential areas the Department will normally require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more."

viii) Recreation Policy 3: "Where appropriate, new development should include the provision of landscaped amenity areas as an integral part of the design. New residential development of ten or more dwellings must make provision for recreational and amenity space in accordance with standards specified in Appendix 6 to the Plan."

ix) Recreation Policy 4: "Open Space must be provided on site or conveniently close to the development which it is intended to serve, and should be easily accessible by foot and public transport."

PLANNING HISTORY

4.1 Previous planning applications for this site include

- a) PA 05/92421 - erection of twelve detached dwellings - approved initially and refused at appeal for reasons relating to inappropriately high density of development and the potential for the proposed dwellings to overlook existing adjacent property.
- b) PA 08/00908 - residential estate of five dwellings (inaccurately referring to Heritage Homes Ltd as the applicant - it was Hartford Homes Ltd) - approved initially and refused at appeal for reasons relating to the relationship of the south easternmost dwelling with number 7 and 8, Ballakeyll.
- c) PA 04/02344 – approval in principle for residential development - approved.

REPRESENTATIONS

5.1 There are objections from a number of local residents who object to the number of dwellings on the site with the resultant visual impact and creation of traffic:

2, 6, 8, 9, 10, 12, 13, 15, 17, Bradda View

5.2 In addition, the owner of Greenacres indicates that the site is incorrectly defined and includes land which is in his ownership, there should be a tree protection plan and the provisions for dealing with surface water are inadequate.

5.3 The owner of 7, Bradda View considers that there is not an accurate tree survey and proposes to fell too many trees, there is no provision for non-motorised transport, pedestrian or cycling links, no pavements, the road is narrow and unlit and there is no community public space.

5.4 Rushen Parish Commissioners do not object to the application but express concern that the public should not have to fund the maintenance of the sewage pumping station if its construction is not to adoptable standards, that the public should not have to fund the maintenance of the block paved road, streetlighting should be LED energy saving lights and they wonder whether it is acceptable to have the affordable housing provided within another development which is in a different parish.

5.5 The owner of 8, Ballakeyll expresses concern that no reference is made in the application to the gas main running up the north side of the stream and considers that the existing drain will not be able to cope with increased water run off.

5.6 The owner of 7, Ballakeyll considers that the dwelling on plot 8 will be much higher than their property and as such they will be overpowered and overlooked by this proposed dwelling as well as that on plot 9. They are also concerned about the drainage particularly of surface water from the site.

5.7 The owner of 7, Bradda View also expresses concern about the need to provide adequate car parking and suggests that additional car parking space should be provided within the site. He also expresses concern about the need to be able to accommodate oil delivery tankers and storage tanks.

5.7 Manx Electricity Authority seek consultation about existing and proposed electricity supplies.

5.8 DEFA have no objection to the principle of the development and note the inclusion of a bat survey within the application. In order to protect known bat roosts they recommend the avoidance of light spillage into the woodland at the southern edge of the site. They have discussed this with the applicant who has not yet devised a lighting scheme and notes that whilst pipistrelles might tolerate some lighting, the slower flying brown long eared bats probably would not. They recommend that the relatively low density of development may help mitigate the impact of the development on this species.

5.9 The owners of 11, Bradda View object to the application on similar grounds to the other residents of Bradda View and also considers that the "single garages and short single width drives" which they consider inadequate to accommodate the vehicles which will be generated by the development. They also comment on the accuracy of the plans in terms of their boundary and also certain trees.

5.10 The owners of Thalassa, Christeens Way which abuts the site to the north east, objects to the application on the basis that the houses on plots 3, 4 and 5 will intrude upon their privacy and two storey dwellings on these plots would "dwarf" their single storey property. They suggest that turning the proposed dwelling on plot 5 may preserve some of their privacy. They feel that the development pays little regard to the type of development to the east of the site and they also express concern at the use of soakaways and the impact that may have on existing flooding issues. They would like to see the protection of the boundary hedge which accommodates bumble bees and that care is taken in respect of their existing trees on the boundary bank.

5.11 Department of Social Care Housing Division states that there is a continued need for affordable housing in the south of the Island and accept that the affordable units generated by this development could be provided on another nearby site, controlled by a legal agreement.

5.12 Highways Division indicate that the garages on plots 1, 3, 4, 5, 6, 7, 10 and 11 do not meet Manx Roads standards but raise no objection as two alternative off street spaces have been provided.

5.13 Isle of Man Water and Sewerage Authority indicate that the development must be connected to the main foul sewer in a manner acceptable to them (which is a matter for the Sewerage Act not the planning decision notice) and that there must be no discharge of water to the main foul sewer (none is proposed in the application). They also provide guidance in relation to the Land Drainage Act 1934 and adoption of the proposed sewers, all of which are matters for IOMWSA legislation and not the planning notice.

ASSESSMENT

6.1 Whilst previous applications for residential development on this site have been refused for reasons relating to density, it is important to consider that these conclusions were reached when the prevailing development plan was the Arbory and East Rushen Local Plan which did not prescribe a density of development for this site, but included an estimate of the number of houses to be provided on each development site within the plan area, and for this site, the number was five. This was taken by the inspectors to be the prescription for the appropriate level of development for the site and the applications were refused principally on this basis.

6.2 Since then, the Strategic Plan and the Area Plan for the South have been introduced which supersede the provisions of the previous local plan. In this respect it is relevant that the Strategic Plan encourages the optimum use of unused land and directs development to existing settlements. Whilst Ballakillowey is not a settlement listed in the Strategic Plan, by virtue of it not having any local amenities - church, school, amenity areas, recreation space, it is indicated in the Southern Area Plan as being a site suitable for residential development by virtue of the development brief included. As such, it is not considered appropriate to insist that the previous reference to density be required now and that as stated in the development brief in the Southern Area Plan, the development should comprise a mix of dwelling types and that the size, orientation and proximity of the new dwellings would not detract from the residential environment and amenity of existing neighbouring dwellings to an unacceptable extent. Whilst "a mix of dwellings types" could be interpreted as meaning a mixture of semi-detached, terraced and detached houses and a variety of tenure types, bearing in mind the almost exclusivity of detached, private houses in the vicinity of the site, it is not considered that "mix" was intended to convey anything other than a variety of sizes and finishes.

6.3 The density of the development will have an impact on the surrounding properties in terms of the amount of traffic coming to and going from the site and this will affect the residents of Bradda View particularly, and also the visual impact of a greater number of dwellings which will be seen from the adjacent properties and potentially a greater number of people living and being active within each plot. It should be remembered, however, that were the density to be lower, the size of each dwelling is likely to be greater (see PA 09/00908). There has also never been an indication in any of the previous decisions that any of the proposed dwellings should be single storey to reflect the housing style to the east of the site. It is also relevant that the inspector considering the 12 dwellings proposed in PA 05/92421 states that "the proposed 12 dwellings per hectare is not unduly high by current standards in England" but refuses the application on the basis, inter alia, that the Local Plan "is specific in allocating an estimated 5 dwellings to the site and stating that the density and style of development shall be in keeping with existing residential development adjoining the site" and specifically considers that this should be judged in terms of Bradda View, not the wider environment of the whole of Ballakillowey.

6.4 In this respect he makes specific comments about what he considers "minimal space" between some of the dwellings and the gable ended roofs and notes that the development will really only be seen from the approach from Bradda View rather than a more general public view. He does not make any other comment about any adverse impact on infrastructure. In respect of the appearance of the development, it is important to remember that not only is the development at the end of Braddan View which constitutes a development of very similar housing styles, but also that it is surrounded by very different styles of housing to the north, east and south. As such, whilst the development will only be seen from the public highway to the west and therefore when the viewer has passed through a homogeneous development, it does mark the transition between the Bradda View architecture and the different styles of housing beyond. To assist this transition, it would be helpful if some of the houses did have hipped roofs to visually tie in with the Bradda View housing and this can be dealt with by way of a condition. The applicant has indicated that the design of the various house types means that only some of the dwellings could easily accommodate a hipped roof and as such has indicated that the dwellings on plots 4 and 12, which are the house types which could most easily accommodate a hipped roof and which are at the entrance to the site, and thus, most easily visible from Bradda View, could be adapted in this respect.

6.5 In terms of recreation facilities, the Strategic Plan includes a requirement for Public Open Space to be provided in developments of ten dwellings or more, which includes three types of open space - children's play, amenity and formal recreational facilities. In respect of the last, the Area Plan for the South helpfully identifies the type of formal space which is required in the south - tennis courts, bowls facilities, an indoor swimming pool, multi activity sports hall, health and fitness facilities, grass pitches and a golf course (paragraph 8.6.1). None of these facilities would be well placed within the application site for reasons relating to the size and slope of the site and the accessibility through a residential estate. The other land referred to in the applicant's ownership at Colby is large enough and well placed for some of the facilities - bowling green, tennis courts and fitness facilities were these to be required. As such, it is considered that the formal element of the Public Open Space requirement for the development need not be met on this site.

6.6 Similarly, for the smaller scale Public Open Space, the amount of this which would be required by the number of houses proposed would be equivalent to one of the rear gardens of the proposed properties. Bearing in mind that any public open space would be used mainly by those within the proposed development, which already have their own private gardens of equivalent size, siting and nature, it does not appear that the provision of Public Open Space in this case is an essential part of a successful development. Furthermore, the Ballakillowey estate does not have any other Public Open Space within it and as such, the provision in this case would not only be unusual but also such Public Open Space could be used as the sole area of such space for the entire estate, for which it would be inadequate in terms of size and inappropriate in terms of siting and access. As such, in this case it is considered that the provision of Public Open Space should be referred to another site and the applicant has indicated that they are responsible for a development site in Colby which is better suited for such provision.

6.7 The development brief contained within the Area Plan is highly relevant. This requires that any application is accompanied by a design statement, a tree survey, a bat survey and measures to indicate how existing trees to be retained will be protected during the course of construction. The application contains all of this. The advice of the Isle of Man Water and Sewerage Authority has also been sought as required. The only part of the development brief which is not completely satisfied is the provision of a public footpath through the site to Odin's Way or Carrick Bay View which the development brief says should be considered. The applicant has considered this but has struggled to design such a link which would join an existing public right of way on the other side of the site. Whilst connectivity and accessibility is an important element in residential estate design, to promote walking and cycling and social interaction. However, in this case the provision of a cycleway or footway through the site would simply result in a strip of land being reserved with no obvious use or function as it

cannot link in to anything either presently or in the foreseeable future. The scheme makes provision for the setting aside of a strip of land between plots 5 and 6 for a wayleave for access to the MEA substation to the east of the site.

6.8 In summary, whilst there are concerns that the development is too dense and incorporates too great a number of dwellings, consideration must be given to the development brief in the Area Plan which specifically omits any reference to density or house numbers and simply requires that there is a mix of dwelling types and that a design statement must be included with any application to demonstrate that the size, orientation and proximity of the new dwellings, would not detract from the residential environment and amenity of existing neighbouring dwellings to an unacceptable extent.

6.9 The development statement accompanying the application explains how the objective is to create a sustainable development which is a pleasant place to live as well as addressing the aspirations of the current house buyer and also to address the particular constraints and opportunities that this site presents. The Landscaping Statement continues to explain how the planting will help to screen the proposed dwellings from the view from neighbouring property.

6.10 It is not considered that the number of dwellings will result in what appears as an overly dense development or one which looks out of place in the area, despite proposing house types and finishes which are different from those of the surrounding properties. The designs and finishes of the dwellings in Ballakeyll, Bradda View and Odin's Way and its cul de sacs are all very different from each other and conforming with the design principles of one is likely to conflict with those of the others. It is considered that with the provision of hipped roofs on the houses on plots 4 and 12, what is proposed will fit visually into its environment as well as providing sustainable and desirable housing at a density which addresses Strategic Policy 1.

6.11 There have been detailed issues which have arisen in respect of individual trees on plot 11 and the applicant has considered these and now proposes that the tree shown (T52) will not be affected by the development and that they no longer propose to remove T51, which was originally proposed to be removed to improve light to the neighbours' property.

PARTY STATUS

7.1 The local authority, Rushen Parish Commissioners are, by virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013, paragraph 6 (4) (e), considered "interested persons" and as such should be afforded party status.

7.2 The Highway Authority is granted interested party status under the Town and Country Planning (Development Procedure) (No 2) Order 2013 paragraph 6 (4) d.

7.3 The Department of Social Care, IOMWSA and Department of Environment, Food and Agriculture are granted party status by virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013 paragraph 6 (4) c.

7.4 MEA does not raise material planning considerations and should not be afforded party status in this case.

7.5 All of those who have written in on the application live either physically adjacent to the site itself or the access into the site and as such should be afforded party status, that is the owners of the following property:

2, 6, 7, 8, 9, 10, 11, 12, 13, 15 and 17, Bradda View,
7 and 8, Ballakeyll
Thalassa, Christeens Way
Greenacres, Ballagawne Road.

Recommended Conditions and Notes (if any) once the required legal agreement has been entered into

C 1. The development hereby permitted shall commence before the expiration of four years from the date of this notice.

C 2. Notwithstanding condition 3 below, this approval relates to the residential development and accompanying landscaping, highway and drainage works all shown in drawings

100-01, 100-02, 102-01, 102-02, 103, 101, 01F, 02, 02D 03 and 10 received on 19th November, 2013 and 002B, 003B, and 004B received on 6th January, 2014

and the development must be undertaken in accordance with these drawings.

C 3. Prior to the erection of any dwelling on plot 4 or plot 12, further plans must be approved which demonstrate that the dwellings on these plots will have hipped roofs and the development of these plots must be undertaken in accordance with these drawings.

C 4. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwellings, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

C 5. Prior to the commencement of any works on site, the existing trees which are shown in the approved drawings as being retained, must be protected by way of the erection of a stout fence underneath the dripline of the canopy and thereafter, the protected area may not be used for any purpose, particularly not for the storage of any material or the parking of any vehicle. Such fencing must be retained for the duration of the building and engineering works. There may be no mechanical digging within the protected area and any excavation must be undertaken by hand such as to avoid damage to any tree roots.

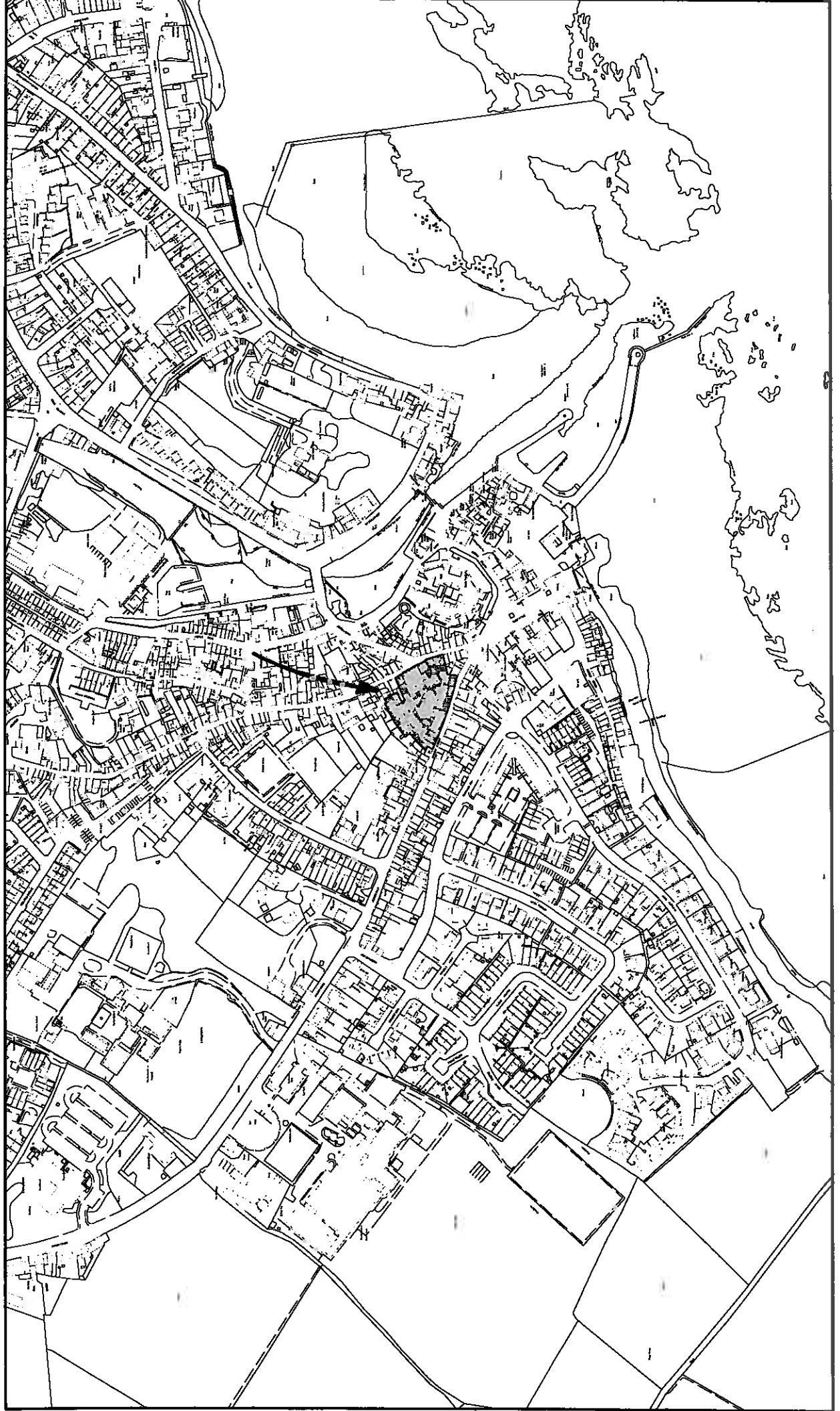


Department of Infrastructure

infrastructure
bun-troggalys

Isle of Man Planning and Building Control Division

Date	07 March 2014
Comments	14/00007/B Castletown



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Department of Infrastructure

infrastructure
bun troggalys

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Item 2

Proposal : Alterations and change of use of existing residential/commercial premises to provide additional residential accommodation

Site Address : 6 -26 Arbory Street
Callow's Yard
Castletown
Isle Of Man
IM9 1LJ

Applicant : Callow's Yard Limited

Application No. : 14/00007/B

Case Officer : Miss S E Corlett

RECOMMENDATION: To REFUSE the application

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO THE PLANNING HISTORY OF THE SITE AND DUE TO THE PUBLIC INTEREST IN THE APPLICATION

PRELIMINARY MATTERS

The application was submitted on 7th January, 2014 and validated and advertised in the required manner. The local authority requested a deferral of any decision pending the holding of a public meeting. This was held on 11th February, 2014 and following this, the applicant sought a further deferral pending an attempt to discuss the proposals with the local authority and local businesses. Following a breakdown in this communication, the applicant sought determination of the application without any further delays.

THE SITE

1.1 The site is part of the Callow's Yard site which sits between Arbory Street and Malew Street in the heart of Castletown. The application concerns numbers 6-26, Arbory Street, even numbers only and a small section of the residential unit which links 8, Arbory Street with Malew Street and the units in between. All of the commercial units which are the subject of this application are presently vacant other than 20, 22 and 24, Arbory Street which accommodates The Curry Club restaurant and I love Kebab hot food take away. The site accommodates commercial units at ground floor level along the public highways with living accommodation in various forms above. Within the space between the two streets there are residential units in the form of terraced cottages - a row of four, one of three and one of two which is attached to the function room and offices at the north of the site. There are commercial units on both sides of Arbory Street up to around number 24 on the northern side and 23 on the southern side although there are a few retail units further out to the west.

1.2 The scheme makes provision for pedestrian access from Malew Street to Arbory Street and back through walkways: on the Arbory Street side this is through a corridor between units; on the Malew Street side this is into the complex and between retail units.

THE PROPOSAL

2.1 Proposed is the conversion of some of the units along Arbory Street into a greater number of smaller apartments and the conversion of some of the retail units at ground floor to residential use in the form of apartments. Numbers 6, 16, 20, 22 and 24 will have their ground floor converted from retail/commercial to residential (apartments). Number 6 will become a town house - i.e. one unit over two floors. No 10 will remain a cafe but will have a take away facility, in compliance with the approval granted under PA 09/00610. Number 12 will become part of the cafe at number 10, currently offering retail space. Number 14 is currently a stairwell and will become a single floor apartment including the ground floor of number 16, number 18 will remain retail. Number 20 will become an apartment with the

ground floor of number 22 which is currently retail. Number 24 is currently retail and will become an apartment with the ground floor of number 26 which is also currently retail. Essentially at ground floor level, the street will go from having solely commercial units (8) and an access/stairwell to having 3 commercial units.

2.2 The sum total of the changes to the units result in what is presently 8 commercial units with 9 apartments with 24 bedrooms becoming 3 commercial units with 26 apartments with 33 bedrooms. Of these 3 are presently single bed units and this would rise to 19 in the proposal.

2.3 The external appearance of some of the units will change. At numbers 6 and 8 the existing shop fronts will be replaced by pedestrian doors with two sliding sash style windows on each side. At number 14 the current wide opening will be replaced by two tall sliding sash style windows. The large shop window at number 16 will be replaced by a window, the two shop windows at number 20 will be replaced by three windows, the shop front at number 22 by two windows and the shopfront at number 24 replaced by a pedestrian door and window. The two shop windows and door combination at number 26 will change to two windows, retaining the portcullis feature above. The pedestrian link through number 14 will be lost to an apartment but pedestrian access through to the central area will remain between numbers 18 and 20.

2.4 Another application for 'Alterations to provide ten apartments and domestic storage rooms' at Callow's Yard in 9-11 & 17-19 Malew Street and the Fusion Bar is also pending consideration (14/00148/B).

PLANNING STATUS AND POLICY

3.1 The site lies within an area of Mixed Use on the Area Plan for the South of 2013 and within Castletown's Conservation Area. Paragraph 6.1.2 describes "The majority of the retail provision in the South is within the existing settlements. Most of this is located in the Service Centres of Castletown and Port Erin both of which offer some comparison and convenience retailing." It goes on at 6.6.1 "In order to achieve town and village centres which are attractive, viable and full of vitality it is essential to encourage a mix of different uses to locate within the Mixed Use areas. This will include elements of retail, office, light industrial, community facilities, leisure and tourism uses and residential as well as dedicated public spaces which will be a focus for community activity. Uses which are not compatible with residential developments will not be supported within the Mixed Uses areas. Generally there will be a presumption in favour of changes of use between the range of approved uses. Whilst planning approval may be required for some changes, this would normally be supported subject to the buildings being suitable for the new use."

3.2 At paragraph 6.6.2 of the Plan. "Development within an area of Mixed Use (as designated on the Proposals Map/Inset Maps) or those sites proposed for Mixed Use (identified on the Maps as 'Proposed Mixed Use') will comprise a mix of some or all of the following uses: residential; shops; financial and professional services; food and drink; research and development, light industry; hotels and hostels; hospitals, nursing homes and residential institutions; community uses; leisure; tourism and open space. For applications relating to sites proposed for Mixed Use, the mix and types of uses on the site will be determined on their merits in accordance with the Proposals in the Area Plan and the Isle of Man Strategic Plan Policies.

3.3 6.6.5 "In order to ensure that the vitality of the town and village centres is retained in terms of visitor attraction and activity after working hours, it is considered that retail should be the preferred use for ground floors of buildings within those areas designated for Mixed Use with residential use encouraged for the upper floors. Office use will also be acceptable on the upper floors but not at the expense of residential uses, and in certain circumstances on the lower floors.

Mixed Use Proposal 1:

In order to maintain and enhance the vitality of the Mixed Use areas in Port Erin, Castletown and Ballasalla, there will be a presumption in favour of the retention of existing retail units on the ground floor although each case will be determined upon its circumstances and merits."

3.4 The Strategic Plan contains the following which is considered relevant to this application: Paragraph 9.4.5 states "It is accepted that in some circumstances a mix of uses can be appropriate within town centre locations such as residential flats above retail units or office accommodation, particularly where this can help to ensure the use of the area at different times during the day, thus helping to ensure the security and vitality of these areas." It should be clarified that where there is an apparent conflict of policy, whichever document was adopted later should carry more weight.

3.5 The Isle of Man Strategic Plan provides, at the outset, on page 9 the Strategic Aim: To plan for the efficient and effective provision of services and infrastructure and to direct and control development and the use of land to meet the community's needs, having particular regard to the principles of sustainability whilst at the same time preserving, protecting, and improving the quality of the environment, having particular regard to our uniquely Manx natural, wildlife, cultural and built heritage.

3.6 The Strategic Plan policies require that development makes the best use of resources by utilising under-used land and buildings (Strategic Policy 1); that new development be located primarily within our existing towns and villages (Strategic Policy 2); proposals should protect or enhance the fabric and setting of Ancient Monuments and Conservation Areas (Strategic Policy 4); all new retail development must be sited within town and village centres (Strategic Policy 9); and favourable consideration will be given to proposals for improving the quality and condition of the existing housing stock and for the creation of flats by conversion of vacant and under-used space above commercial premises (Strategic Policy 12).

3.7 Spatial Policy 2 identifies Castletown as a Service Centre that should provide regeneration and choice of location for housing, employment and services.

3.8 General Policy 2 provides assessment criteria that should be applied to any new development. Criterion (c) requires development to not affect adversely the character of the surrounding townscape; (g) seeks to ensure that development does not affect adversely the amenity of local residents or the character of the locality; (h) states that development should provide satisfactory amenity standards including where appropriate safe and convenience access for all highway users with adequate parking; (k) states that development should not prejudice the use or development of adjoining land in accordance with the Area Plan; and (m) requires the decision maker to take into account community and personal safety and security in the design of buildings and the spaces around them.

3.9 Environment Policy 24 (no 2) sets out that 'pollution sensitive development will only be allowed to be location close to sources of pollution where appropriate measure can be taken to safeguard amenity'. The preamble to the policy setting out that in the case of new residential development, this would not be allowed where properties would suffer unacceptable loss of amenity due to exposure to pollution where this is from inter alia noise generation or odours.

3.10 Environment Policy 35 seeks to ensure that in Conservation Areas only development that would preserve or enhance the character of appearance of the area will be permitted.

3.11 Environment Policy 43 supports proposals which seek to regenerate run-down area. Such proposals will normally be set in the context of regeneration strategies identified in Area Plans. The Department will encourage the re-use of sound built fabric rather than demolition.

3.12 Housing Policy 17 provides guidance on the provision of apartments: The conversion of buildings into flats will generally be permitted in residential areas provided that:

- (a) adequate space can be provided for clothes-drying, refuse storage, general amenity, and, if practical, car-parking;
- (b) the flats created will have a pleasant clear outlook, particularly from the principal rooms and
- (c) if possible, this involves the creation of parking on site or as part of an overall traffic management strategy for the area.

3.13 Community Policy 4 that states: 'Development (including the change of use of existing premises) which involves the loss of local shops and local public houses, will only be permitted if it can be demonstrated that the use is no longer commercially viable, or cannot be made commercially viable.' The preceding text sets out 'The loss of facilities such as neighbourhood shops in towns and or village shops and public houses reduces customer choice and can also necessitate people travelling further to meet their needs. This is a particular problem in rural areas where village shops, post offices and public houses can be central to village life. It would be preferable to retain viable facilities, or those that can be made viable and where a change of use or re-development is proposed developers will be expected to show evidence of attempts to market the property as a business in these areas.'

3.14 Transport Policy 7 requires all new development to provide parking in accordance with the Department's Standards, set out in Appendix 7 of the Strategic Plan. These parking standards can be reduced or set aside in sustainable locations or in Conservation Areas, as appropriate.

3.15 It is also relevant to have regard to Government's Retail Sector Strategy, developed by Department of Economic Development and published in 2013 although it acknowledges, "1.11 While any future review of planning policy via the Strategic or Area Plans will have regard to the contents of this Retail Sector Strategy, it is noted that formulation of planning policy or land allocations must follow the procedures laid out in planning legislation. i.e. be based on a robust evidence base, be subject to formal public consultation and be capable of withstanding scrutiny and examination at a Planning Inquiry held by an independent Planning Inspector." The core aim of the strategy is "To promote competitive and accessible retail and leisure environments in our town centres, which offer choice and convenience for consumers, improve the economy and enhance resident's quality of life". It goes on, "Retailing is the central activity in the Isle of Man's town centres and a key component of the economy. The clear majority recommendation from the Retail Committee was for continuation of a town centre focussed approach. Future reviews of the Isle of Man Strategic Plan, Area Plans and other documentation should consider how to address this aspiration. Developing high quality town centre retail and leisure environments, making sure suitable sites and premises are available in them and that they are served by good transport and parking facilities will be the physical platform for a re-energised retail sector. While Douglas is the Island's main centre, Ramsey, Peel, Port Erin, Castletown, Onchan and other centres all play important and complementary roles which should be encouraged."

3.16 They recommend that, "The commitment of centre traders and businesses is essential to protect and enhance the quality of town centre environments. Their involvement in developing appropriate maintenance regimes (e.g. control of litter and paved areas) and measures to improve the quality of retail frontages will be encouraged" and "3.41 Unused sites and premises can affect the quality and appeal of town centre retail and leisure environments. Existing legislation and other measures should be strengthened to encourage owners or tenants to improve them through effective enforcement actions and timely processes."

PLANNING HISTORY

4.1 The site as a whole has been the subject of many applications only some of which are considered relevant to the consideration of this current application. The original concept for the redevelopment of the area as it generally currently appears was shown in PA 05/01539 which proposed the creation of 14 houses, 10 apartments, 3 maisonettes, 9 retail units and a public thoroughfare linking Arbory and Malew Streets. This was modified by further

applications which proposed the rebuilding of some of the buildings in the scheme and the complex expanded further up and down Malew Street. Subsequent to the implementation of the scheme, changes of use were proposed which involved the introduction of commercial use of the upper floors of the units on Malew Street and after that the introduction of a greater number of smaller units in terms of the residential accommodation - for example, a two bed roomed unit over two floors became two single bed apartments, one of each floor.

4.2 The take up and occupation of units within the scheme has been poor and for some time at least some of the units have lain empty. As an attempt to try to find users and occupants for the buildings, the applicant recently sought approval for the conversion of the existing residential accommodation on the first floors above the Arbory Street commercial units, as single bed units and the conversion of the central units into twice as many apartments as existing residential units, and the conversion of the function room into further apartments, resulting in 28 units with 57 bedrooms becoming 47 units with 48 bedrooms (PA 13/00797). This was refused for the reason that the creation of so many single bed units (46) would result in a concentration of such accommodation as would change the character of the town and would likely become a less attractive place for residents and visitors, to the detriment of the town and the Conservation Area.

4.3 A recent application submitted for the change of use of these central units from residential to either residential or tourist use (PA 13/91537/B). This was permitted.

REPRESENTATIONS

5.1 There are a significant number of local representations from individuals and businesses which own or occupy Castletown properties and in a few cases, properties in Ballasalla. The objectors are listed below. The comments are summarised as:

- Castletown has historic significance and important place in Isle of Man. It is visited by coaches of tourists therefore object to reducing retail opportunities.
- Retail could be encouraged if shops had better storage facilities.
- The shops are not let because rents too high.
- Loss of retail would be detrimental to town centre and detrimental to life line of the community.
- Area Plan for the South clear that the ground floors should be retail.
- Proposal would undermine the vitality, viability, diversity and character of Castletown town centre would damage tourism to the South and to the Island generally.
- Negative impact on the Conservation Area.
- Do Manx Authorities really want this for the island's ancient capital?
- The flats are only large enough for single occupancy and are unsuitable for families. They would never achieve a demographic mix desirable in a community. Concentration of too many transient single person occupants which could lead to a change in character of the area.
- Residential accommodation disgracefully small.
- Social disruption.
- Proposals would increase noise disturbance which is already being experienced.
- Population wants more retail choice not less. Town should not be robbed of shop premises where others could make a success in future
- Support attempts to regenerate area, but proposals to replace shops and businesses with more flats will seriously undermine the town centre. There will be a reduction in range and choice of shops and other facilities, there will be increasing pressure to travel to other towns which undermines the economy of the town and increases carbon emissions.
- Other shops need footfall to survive and loss of other businesses are likely to undermine the viability of existing shops
- A town needs a mix of shops, cafes and other business to provide an attractive destination.
- Regressive step contrary to regeneration aims.
- Physical changes to facades would lose ancient town's character.
- Castletown already has a disproportionate amount of social housing.
- Application should be subject to an Inquiry due to the importance of it.

- Development has no car parking, but demand would increase.
- Lack of proper refuse storing facilities
- Increase in congestion and illegal parking in Arbory Street
- traffic impact
- Already a surfeit of flats in Castletown
- Will schools, doctors and police be able to cope?

Addresses, which include residential and commercial premises:

- 2, 4, 6, 23, 38, 79, 85, 90, Malew Street
- 52, Ellerslie Gardens
- the freehold owner and the tenant of 4, Arbory Street,
- 11, 19, 21, 25, 31, 36, 38, 47, and Bagnio House, Arbory Street
- Croft House, 8, Crofton, The Crofts
- Brooklyn, Crossag Road, Ballasalla who own 5, Arbory Street and 2, Malew Street
- 30, Knock Rushen
- 4, 48, The Promenade
- 5, Pickard Close
- 1, 9, 15, 27, Scarlett Road
- 37, Castle Court apartments Farrant's Way
- 11, Queen Street
- 10, 12, 16, 18, Homefield, Sandy Mount, Bowling Green Road
- Lorne House Lodge, 15, 20, Douglas Street
- 3, Tyson Terrace Ballasalla
- 5, Mona Terrace
- 1, Norwood, Westham, Arbory Road
- 6, Close Malew
- 7, Bayr Grianagh

These submissions include a range of objections which are summarised in the heading to this paragraph. Many refer to local expectations and experiences of shopping in and visiting the town centre and what they feel should be provided and what is reflected in policies for the area. The fact that they have been summarised in a single list of addresses does not denigrate or undermine the importance and contents of each submission.

5.2 DSC indicate that as the proposal results in the creation of more than 8 new dwellings, affordable housing should be required to be provided in accordance with Housing Policy 5 of the Strategic Plan.

5.3 The Architectural Liaison Officer (ALO) made comments on the previous application for conversion of existing residential units to smaller single bed units where this resulted in a recommendation for refusal. Having seen the changes to this earlier proposal, the ALO no longer recommends refusal, acknowledging that the higher number of single bed units is not ideal from a community safety view but that it is reduced from the previous scheme and the central area is retained as residential or tourist use. They do put on notice any different view if further applications are submitted for further increases in single bed units.

5.4 The Highway and Traffic Division of Department of Infrastructure indicate that they do not oppose the application.

5.5 The Regeneration Project Manager (CSO) within Government has been approached by the Planning Office for his views. He has indicated that there is a balance to be struck between the impact of vacant units and the potentially permanent loss of commercial uses in the town centre and subsequent erosion of the vitality and interest of the commercial area. On balance he would prefer the retention of commercial uses at ground floor level but acknowledges the negative impact of a significant number of vacant units in the town centre.

5.6 Castletown Heritage objects to the application on the basis that it would contradict the objectives of the Isle of Man Retailing Study Report of May 2009, the Area Plan for the South and the Strategic Plan.

5.7 Castletown Chamber of Commerce object to the application on the basis of the comments raised by others above.

5.8 Castletown Commissioners have engaged the services of Hargest Planning Ltd to provide an assessment of the impact of the proposals which culminate in an objection to the application on the basis of it being contrary to planning policy, would be detrimental to the vitality and viability of the town centre, would result in a detrimental impact on car parking within the town. They are also of the view that the number of single bed units is still unacceptable, albeit reduced from the previous amount and also that the proposed units would not have adequate amenities available to them and would therefore be contrary to Housing Policy 17.

5.9 The Department of Economic Development, who developed the Isle of Man Retail Sector Strategy 2013 were approached for their views and have engaged the services of PBA Roger Tym to prepare a response. This indicates that the Retail Sector Strategy found that Malew and Arbory Streets provide 90% of Castletown's retail units. It refers to the Strategic Plan and APS policies which aim to strengthen and protect the vitality and viability of the town centre. They state that the proposal, whilst providing a potential use and occupation of presently vacant units, will be unlikely to contribute to the goals of Castletown as a service centre although they acknowledge that Mixed Use Proposal 1 allows some flexibility in dealing with ground floor uses. They state that the change of use will reduce footfall in the town which will not help maintain the viability of the town centre which is contrary to the objectives of the regeneration strategy and note that in Ramsey, following the physical regeneration of areas in the public realm, 28 businesses moved to that town. If similar works were undertaken in Castletown, and some work has already been undertaken in this respect, there would not be as many opportunities for new commercial uses if the existing units were to change to residential. They advise that in the 2013 Strategy local surveys were undertaken and over two thirds of local residents undertaken their main grocery shopping outside Castletown, more than half do their clothes and shoe shopping in Strand Street and more than a third put this down to a lack of local alternatives and the variety and quality of shopping elsewhere. They suggest that in the absence of suitable floorspace opportunities, this is likely to intensify. They estimate that Callow's Yard represents around 5,000 sq ft of retail floor space out of a total of almost 29,000 sq ft and the proposal would reduce this by around 3,750 sq ft - approximately 13%. This could equate to between £2.1m and £3.1m annual turnover for convenience goods and £1.4m annual turnover of comparison goods.

5.10 They state that statistically, single person residential units result in the highest average weekly per capita expenditure of any household group. This will clearly have significant advantages in supporting the local economy. However, they acknowledge that this must be balanced against the implications for the loss of retail floor space set out above.

5.11 Mr Ronan MHK - objects as the MHK for Castletown, Chairman of the Regeneration Committee , Member of Castletown Chamber of Trade and DED political member. The proposals are contrary to the basis for the approval of the original planning application, it will weaken the town centre and undermine the role and importance of the Area Plan for setting out the detailed basis of planning for the South. Retail is important to retain life and health and vitality of a town centre, it will increase parking demand,

ASSESSMENT

6.1 The issues to be considered in this application relate to the reasons for refusal given in the case of the most recent application (PA 13/00797); whether the proposal would have an adverse impact on the commercial vitality, interest and viability of the town centre; car parking in the town and the character of the Conservation Area in terms of the physical

changes to the buildings. It is also relevant to consider the amenities of those in the proposed apartments.

Increase in the number of single bed apartments

6.2 Setting aside for the moment the implications of the use of ground floor units for residential accommodation, it was previously a concern that PA 13/00797 would have resulted in so great a concentration of single bedrooomed units within the town centre that this would have had a deleterious impact on both the Conservation Area and the community such that this application was refused. As is recognised by the Architectural Liaison Officer, this current scheme has tried to address this by reducing the number of single bed units - effectively from 46 to 19 which is a considerable reduction. It is also relevant that the central units are no longer proposed to be single bed units (they will remain two storey residential or tourist units) such that the spread and span of single bed units is less concentrated. It is also useful that the Department of Economic Development's representatives have advised that single person units are the highest spending per capita individuals of all household sizes, which will have a positive impact on the local economy. It is also relevant that the continued vacant or underused units in the town centre, whether at ground floor or above is not positive in attracting and presenting an interesting and healthy town centre to those who visit it.

6.3 The views of the ALO are pertinent in that it is no longer believed that the mix is such that it would be detrimental and as such a reason for refusal based on the premise of an unacceptable social mix might be difficult to sustain. That is not to say that a development, in this location, of the nature and size of units is acceptable, or would be taken up. Many residents point out that there are already a number of vacant flats in Castletown and question whether additional units are appropriate.

Car parking

6.4 The previous application was not refused for reasons relating to car parking and the Highways Division have not objected to it. Therefore it would not be reasonable for this application which proposes a reduced number of apartments, to be refused for this reason. The concern by residents regarding car parking is however acknowledged. There is clearly a limited amount of parking in Castletown and the amount and nature of the demand would differ from that at present. Residential use provides for a requirement at a different time of day to commercial and retail, the choice of whether to have or use a car also differs. Lastly the level of vacancy obviously impacts on demand.

Impact from the loss of commercial units

6.5 It is interesting and helpful that two professional retail consultants have been involved in the responses to this application and both have had regard to both planning policy and the retail sector strategy. Whilst a balance has to be struck between trying to fill vacant units which are neither attractive to the eye nor positive in presenting a healthy town centre in which people are invited to shop and invest, there is little in the way of evidence which supports a justification for approval of this application on the basis that there are no other means of achieving occupation of the units. Whilst a cursory study of the comparative rental values of these units compared with those outside of Callow's Yard would suggest that it is not the cost of renting the units which is preventing occupation, and indeed it is not only the Callow's Yard units which are presently vacant or for sale/rent, there is no information from the applicant to demonstrate how long the units have been vacant, what efforts have been employed to try to overcome the existing situation. It is also relevant that there are other commercial units which are vacant or for sale and as such, if approval were granted to this scheme, there could be a further spread of conversions of ground floor premises from commercial to residential use outside of the Callow's Yard site.

6.6 It is very important, as highlighted by the Retail Sector Strategy that town centres must remain capable of offering a range of services and facilities in order both serve their local communities but also to be able to compete with other retail centres as well as more modern methods of shopping, such as the internet. This will not happen if the number and range of shops and services is reduced. The fact that the conversion to residential involves physical

changes to the buildings also suggests that future change back to retail would be less likely than if the proposals simply involved a change of use without such physical changes.

6.7 It is also important to consider the impression of the commercial centre of the town in terms of when the visitor feels they have left the commercial area and when they are venturing into less commercial and more residential areas. In the case of Arbory Street, one has the impression when reaching number 24 and 27 Arbory Street that the commercial units have ceased and the area becomes more residential in character. The shopper may turn around at this point and return towards The Parade. The effect of this application would be to cut short this extent of shopping opportunities on the right hand side as one heads out of the town centre, reducing the scale of the retail opportunities but also potentially adversely affecting the attractiveness of those properties on the other side of Arbory Street, namely number 19 - 23.

6.8 For the above reasons, it is considered that the conversion of the units at ground floor level from commercial to residential use would result in a significant and negative impact on the appearance, vitality and viability of the town centre, to the detriment of the town as a whole and its future as a retail centre within the south. It is also likely to have a direct and negative impact on those properties to the south west in reducing the footfall and potential customer numbers to these premises.

6.9 Another impact of changing the balance of retail/commercial to residential in a town centre relates to how future applications would be determined. An application for a hot food shop, café, bar or restaurant would be acceptable in a town centre location but may be unacceptable in a residential area. Should the balance of predominant uses change towards being residential, there is the chance that future proposals to allow for retail or commercial uses may need to be refused due to the impact on residential amenity.

Impact of the changes to the buildings at ground floor level

6.10 The changes to the buildings are not considered unacceptable in their own right in terms of the fact that vertically proportioned windows will be used in sympathy with features on the existing buildings above and around. However, there will be an automatic change in the character of these buildings, a change from obviously commercial uses where shoppers are invited to enter the premises and browse in the windows to private properties where closer inspection would neither be appropriate nor welcome. This is likely to have a negative impact on the streetscene in terms of its character which would become an uncomfortable mix of private residential and commercial which would also be harmful to the character and appearance of the streetscene. Creating a successful sense of place involves the presentation of buildings whose function is clear from its appearance so that users will know how to find what they are looking for. The appearance of residential properties within an otherwise commercial streetscene will create a confused and mixed character which is not considered appropriate for a town centre.

Amenities of future residents

6.11 The views of the DEFA Environmental Health Division were sought in respect of compliance of the proposed units with the Housing (Registration) Regulations 2013 and the likelihood of the residential units to either be adversely affected by or could adversely affect the operation of other commercial premises including those which may involve unsociable operating hours, flues and extraction systems. The response was that on the basis of the information available, there was no perceived reason for refusing the application on these bases. However, it is the case that the ground floor residential properties will have no private space and in most cases all windows are adjacent to public thoroughfares resulting in little privacy and potential problems of noise and disturbance in the later hours. As such, it is likely that the occupants of the ground floor premises will have inadequate private space and be likely to be adversely affected by the operation of the town centre as such and could potentially adversely affect the otherwise legitimate operation of other town centre businesses. Whilst it is fully accepted that the first and second floor units are also in some

respect susceptible to such impacts, there is greater separation between the potential source of nuisance and those to be affected.

Summary

6.12 Whilst there is considerable sympathy with any other business proprietor who cannot find investors in their property, it is considered that the impact on the vitality and viability of the town centre outweighs any positive impact of pursuing alternative occupants for these units. In addition, the physical changes to the buildings will have a harmful impact on the character and appearance of the Conservation Area and the streetscene and the new ground floor units are not likely to have satisfactory levels of privacy and amenities. As such the application is recommended for refusal.

PARTY STATUS

7.1 The local authority, Castletown Commissioners are, by virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013, paragraph 6 (4) (e), considered "interested persons" and as such should be afforded party status.

7.2 The Highway Authority is granted interested party status under the Town and Country Planning (Development Procedure) (No 2) Order 2013 paragraph 6 (4) d.

7.3 The Department of Social Care, Police Architectural Liaison Officer of the IOM Constabulary, Department of Environment, Food and Agriculture, Regeneration Project Officer and Department of Economic Development are statutory authorities which raises material planning considerations and as such should be afforded party status under Article 6(4)(c) of the Town and Country Planning (Development Procedure) (No 2) Order 2013.

7.4 Whilst the local residents and tenants of Castletown who have written in are not all immediately adjacent to the site, the implications of the development are far reaching and as such, it is recommended that all those who occupy premises, whether commercial or residential, in Castletown should be afforded party status in this case.

7.5 Similarly, whilst Castletown Heritage and Castletown Chamber of Commerce are not generally directly affected by proposals and do not generally have interested party status afforded to them, in this case the proposal will have significant impacts on the areas for which they have responsibility and as such it is recommended that these parties should be afforded interested party status in this case.

7.6 The resident of 3, Tyson Terrace is not sufficiently affected by the development to warrant being afforded interested party status in this case, although their interest in the application is very welcome.

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. The loss of commercial use on the ground floors of the properties proposed for conversion would have a significant and negative impact on the attractiveness of Castletown as a shopping and commercial centre both in terms of the immediate loss of these units and the resulting reduction in the range of shops and services available to those visiting the town, and the ability of the town in the future to attract and accommodate further and new retail investment. This loss would be contrary to the Isle of Man Strategic Plan, particularly Community Policy 4 and Mixed Use Proposal 1 of the Area Plan for the South and Castletown's function as a service centre.

R 2. The physical changes to the buildings - ie the loss of shopfronts which provide visitors with opportunities for browsing and an inviting to enter into the units, will have a harmful

impact on the character and appearance of the Conservation Area and the streetscene and would create a confused mix of commercial units which invite the custom and interest of those passing by and private properties where such interest is neither appropriate nor welcome. Such a mix is likely to deter potential shoppers from continuing west along Arbory Street past the first residential properties, to the detriment of the town centre and particularly any commercial units further west on this street. As such the development is contrary to Environment Policy 35.

R 3. The new ground floor residential units would lack sufficient levels of privacy and amenities due to no private amenity space and the very close proximity of most if not all windows to areas frequented by the public. As such the proposal is contrary to Housing Policy 17.



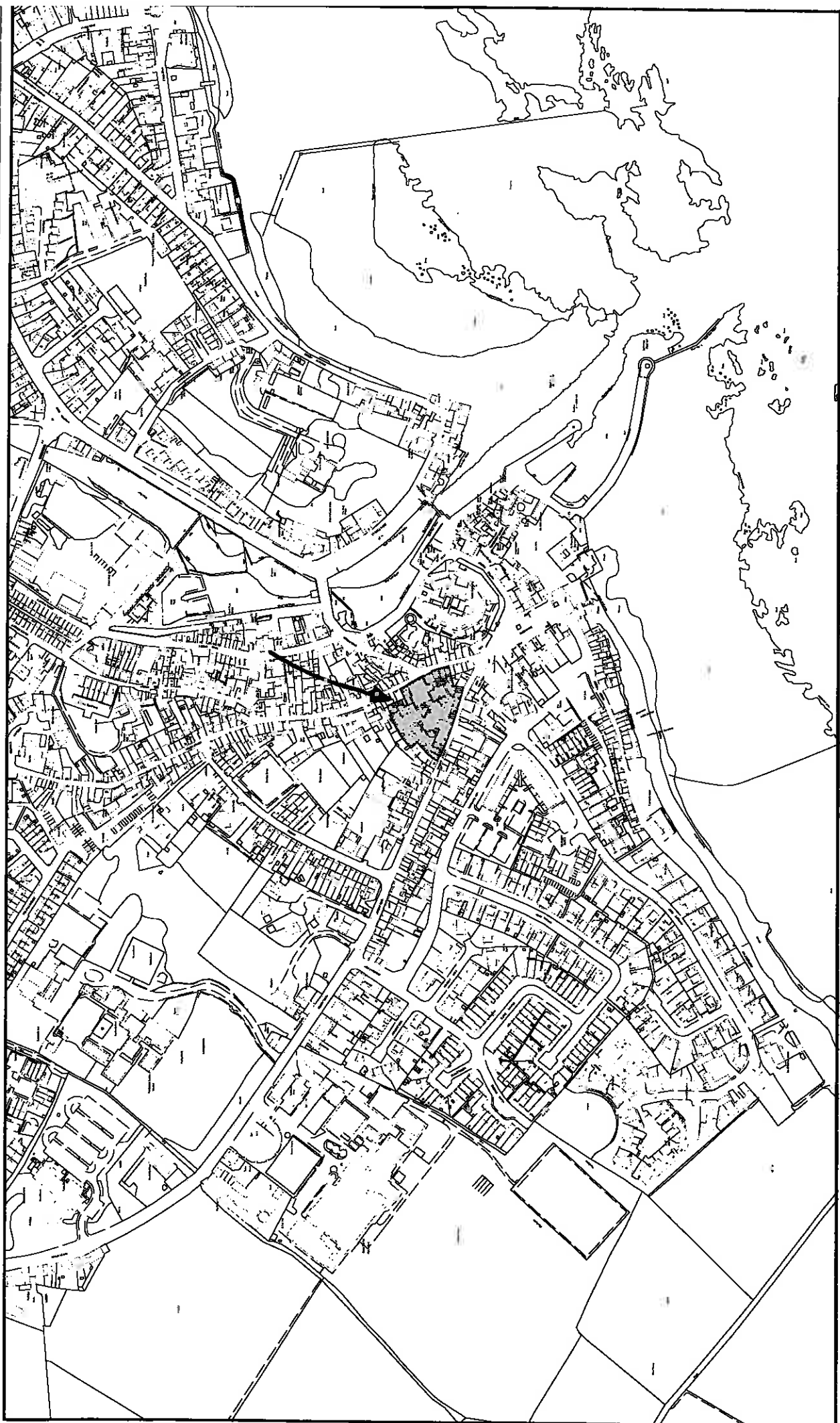
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Date	07 March 2014
Comments	14/00148/B Castletown



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